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8 Attorneys for Defendants Arena Pharmaceuticals, Inc.,
9 Jack Lief, Robert E. Hoffman, Dominic P. Behan,
William R. Shanahan, Jr., and Christy Anderson

10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 TODD SCHUENEMAN, on behalf
15 of himself and all others similarly
situated,

16 Plaintiff,

17 v.

18 ARENA PHARMACEUTICALS,
19 INC., JACK LIEF, ROBERT E.
HOFFMAN, DOMINIC P. BEHAN,
20 WILLIAM R. SHANAHAN, and
CHRISTY ANDERSON,

21 Defendants.
22

23 *[Additional Captions on Following
Pages]*
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Case No. 10-CV-1959-CAB (BLM)

**DECLARATION OF RYAN E. BLAIR IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S *EX*
PARTE APPLICATION TO MODIFY THE
SCHEDULING ORDER AND FOR LEAVE
TO TAKE ADDITIONAL DEPOSITIONS**

1 WILLIAM SUTLIFF and JEAN
2 SUTLIFF, on behalf of themselves
3 and all others similarly situated,

4 Plaintiffs,

5 v.

6 ARENA PHARMACEUTICALS,
7 INC., JACK LIEF, and WILLIAM
8 SHANAHAN, JR.,

9 Defendants.

Case No. 10-CV-1961-CAB (BLM)

10 WILLIAM PRATT, individually
11 and on behalf of all others similarly
12 situated,

13 Plaintiff,

14 v.

15 ARENA PHARMACEUTICALS,
16 INC., JACK LIEF, ROBERT E.
17 HOFFMAN, DOMINIC P. BEHAN,
18 WILLIAM R. SHANAHAN, JR.,
19 and CHRISTY ANDERSON,

20 Defendants.

Case No. 10-CV-1977-CAB (BLM)

21 CRAIG RUBENSTEIN, individually
22 and on behalf of all others similarly
23 situated,

24 Plaintiff,

25 v.

26 ARENA PHARMACEUTICALS,
27 INC., JACK LIEF, ROBERT E.
28 HOFFMAN, DOMINIC P. BEHAN,
WILLIAM R. SHANAHAN, JR.,
and CHRISTY ANDERSON,

Defendants.

Case No. 10-CV-1984-CAB (BLM)

1 RODNEY VELASQUEZ, on behalf
2 of himself and all others similarly
3 situated,

4 Plaintiff,

5 v.

6 ARENA PHARMACEUTICALS,
7 INC., JACK LIEF, ROBERT E.
8 HOFFMAN, DOMINIC P. BEHAN,
9 WILLIAM R. SHANAHAN, JR.,
and CHRISTY ANDERSON,

10 Defendants.

Case No. 10-CV-2026-CAB (BLM)

11 THONG VU, individually and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 ARENA PHARMACEUTICALS,
16 INC., JACK LIEF, ROBERT E.
17 HOFFMAN, DOMINIC P. BEHAN,
18 WILLIAM R. SHANAHAN, and
19 CHRISTY ANDERSON,

20 Defendants.

Case No. 10-CV-2086-CAB (BLM)

21 ARIC D. JACOBSON, individually
22 and on behalf of all others similarly
23 situated,

24 Plaintiff,

25 v.

26 ARENA PHARMACEUTICALS,
27 INC., JACK LIEF, ROBERT E.
28 HOFFMAN, DOMINIC P. BEHAN,
WILLIAM R. SHANAHAN, JR.,
and CHRISTY ANDERSON,

Defendants.

Case No. 10-CV-2335-CAB (BLM)

1 I, Ryan E. Blair, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and
3 am admitted to practice before this Court. I am a partner with the law firm of Cooley
4 LLP, attorneys of record for Defendants Arena Pharmaceuticals, Inc. (“Arena”), Jack
5 Lief, Robert E. Hoffman, Dominic P. Behan, William R. Shanahan, Jr., and Christy
6 Anderson. I have personal knowledge of the matters set forth herein and, if called as a
7 witness, I could and would competently testify thereto.

8 2. On February 22, 2017, Magistrate Judge Major conducted a telephonic
9 case management conference in this case. I participated in this conference call on behalf
10 of Defendants. During the call, Judge Major cautioned the parties that discovery would
11 move quickly, and that she expected both sides to serve focused discovery, consistent
12 with the proportionality requirements of Federal Rule of Civil Procedure 26(b).

13 3. At various points in May and June 2017, the parties discussed the
14 appropriate custodians and keywords to be used to search emails and attachments.
15 Throughout this negotiation, I urged Plaintiff’s counsel to accept more narrow date
16 ranges and keyword search terms that would provide for more focused discovery. By
17 way of example, on June 12, 2017, I proposed keywords that generated approximately
18 148,000 “hits” and offered to immediately begin review of those emails/attachments.
19 A true and correct copy of my June 12 email is attached as **Exhibit 1** hereto. Plaintiff
20 did not accept this offer. It is my belief that had Plaintiff done so, Defendants
21 production would have been substantially complete by the end of August 2017.

22 4. As a final compromise, and in the interest of proceeding with discovery, I
23 proposed modifications to Plaintiff’s proposed keywords that generated approximately
24 200,000 hits.

25 5. In an email on August 3, 2017, I informed Plaintiff’s counsel that
26 Defendants anticipated a substantial first-wave production of responsive, non-
27 privileged email/attachments in late August 2017, and anticipated the remaining
28 responsive, non-privileged email/attachments and any other responsive documents

1 would be produced in mid/late-September 2017. As of August 16, 2017, that remains
2 our estimate.

3 6. On May 18, 2017, Defendants served their First Set of Requests for
4 Production of Documents on Plaintiff. On June 20, 2017, Plaintiff served objections
5 and responses to those requests. On July 14, 2017, Plaintiff produced 19 responsive
6 documents.

7 7. In a telephone call with Plaintiff's counsel on August 15, 2017, I offered
8 to coordinate the scheduling of depositions in September, October, and November 2017,
9 but Plaintiff's counsel refused to do so.

10 8. I hereby declare under penalty of perjury that the foregoing is true and
11 correct to the best of my knowledge. Executed on August 16, 2017, in San Diego,
12 California.

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14 */s/ Ryan E. Blair*

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16 Ryan E. Blair
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